

Notice of Allowability

Application No.

09/608,612

Examiner

Tony Mahmoudi

Applicant(s)

KESKAR ET AL.

Art Unit

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment mailed on 10-August-2005.
2. ☒ The allowed claim(s) is/are 23, 28-37 and 42-52, re-numbered as claims 1-22.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


JEFFREY GAFFIN
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DETAILED ACTION

Remarks

1. In response to the Amendments filed on 10-August-2005, claims 24-27 and 38-41 are canceled and claims 23, 28, 30, 37, 42, 44 and 51 are amended per applicant's request. Therefore, claims 23, 28-37 and 42-52 are presently pending in the application, of which, claims 23 and 37 are presented in independent form.
2. In view of the examiner's amendment claim 51 is further amended (details provided below.)

Examiner's Amendment

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Claim 51 inadvertently amended by the applicant (10-August-2005) to depend from independent claim 23. The examiner is changing the dependency of this claim back to claim 37 in order to overcome "lack of antecedent basis" ("the method") and in order to prevent a duplicate claim (with claim 52.)

Claim 51 is amended by the examiner as follows:

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51. (Currently Amended) The method of claim 37 23 wherein the user-populated list comprises a set of identifiers, each identifier of the set of identifiers indicating a particular item in the item space.

Allowance

4. Claims 23, 28-37 and 42-52 are allowed over the prior art made of record.

5. The following is an examiner's statement of reasons for allowance:

The applicant's amendment, filed on 10-August-2005, and the above referenced examiner's amendment, overcome the cited prior art with respect to the independent claims:

Independent claims 23 and 37 as amended by the applicant, now recite the allowable subject matters of claims 27 and 41 (including intervening claims 26 and 40) respectively, as indicated by the examiner in the previous Office Action (08-April-2005.) Claims 27 and 41 presently canceled by the applicant.

Conclusion

6. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Tony Mahmoudi whose telephone number is (571) 272-4078. The examiner can normally be reached on Mondays-Fridays from 08:00 am to 04:30 pm.

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October 7, 2005